

<b>CAMBRIDGESHIRE POLICE AND CRIME PANEL</b>	<b>Agenda Item No. 6</b>
<b>6 September 2017</b>	<b>Public Report</b>

## **Report of Cambridgeshire Police and Crime Commissioner**

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### **HER MAJESTY’S INSPECTORATE OF CONSTABULARY’S LEGITIMACY INSPECTION REPORT 2016 - UPDATE**

#### **1. PURPOSE**

- 1.1 The purpose of this report is to assure the Police and Crime Panel (the “Panel”) that the Police and Crime Commissioner (the “Commissioner”) ensures that Cambridgeshire Constabulary (the “Constabulary”) is:
- progressing the recommendations and areas for improvement (AFIs) from Her Majesty’s Inspectorate of Constabulary’s (HMIC) Legitimacy inspection report 2016; and
  - complying with the current national guidelines for vetting and the systems and checks that are in place to ensure that vetting has been actioned.

#### **2. RECOMMENDATIONS**

- 2.1 To note the report.
- 2.2 The Panel are also asked to note that in July 2017 HMIC extended its remit to include inspections of England’s fire and rescue service and as such are now known as Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). For the purposes of this report which relates to their inspection work prior to July 2017, they will be referred to as HMIC.

#### **3. TERMS OF REFERENCE**

- 3.1 Item 6 – To review and scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the Commissioner’s functions.

Item 8 – To support the effective exercise of the functions of the Commissioner.

#### **4. BACKGROUND**

- 4.1 The Policing Protocol Order 2011 (the “Protocol”) sets out some key guiding principles for all Police and Crime Commissioners, Chief Constables and Police and Crime Panels.
- 4.2 Under the Protocol, the Commissioner has the legal power to scrutinise, support and challenge the overall performance of the Constabulary and hold the Chief Constable to account for the performance of the Constabulary’s officers and staff. The Protocol is clear that the Commissioner must not fetter the operational independence of the Constabulary and the Chief Constable. Vetting is an operational policing matter.
- 4.3 In turn, the Protocol enables the Panel to scrutinise the Commissioner in the exercise of his statutory functions, but does not provide for the Panel to scrutinise the Chief Constable.

- 4.4 The concept of police legitimacy is ‘policing by consent’. Fundamental to this is that the police use their powers fairly and treat people with respect so that the police can be effective and efficient. It is therefore important that the public need to be confident that the police forces are tackling misconduct and corruption fairly and firmly. This, alongside how police forces dealt with procedural justice and organisational justice i.e how decisions about the matters that affect their workforces are perceived to be fair, formed the basis of HMIC’s PEEL Legitimacy 2016 inspection. Therefore, legitimacy spans across a police force, encompassing such areas as organisational learning and development and professional standards.

## **5. GOVERNANCE**

- 5.1 The Commissioner holds the Constabulary to account for their performance, including that in respect of HMIC findings. This is carried out in a number of ways, through regular 1:1’s with the Chief Constable and his senior team, formal meetings, first hand through spending time with police officers and staff on the “front line”, and engagement with partners, communities and the public. In addition, he also seeks his assurance directly from HMIC.
- 5.2 Bedfordshire Police, the Constabulary and Hertfordshire Constabulary (BCH) has a collaborated Professional Standards Department (PSD). The Constabulary is the lead force, on behalf of Bedfordshire Police and Hertfordshire Constabulary, for the PSD function across the three forces. The Constabulary’s Deputy Chief Constable is the responsible officer for PSD and as a consequence the Commissioner holds him to account for the collaborated PSD function.
- 5.3 PSD undertakes reactive and proactive investigations, management of misconduct and complaints, and vetting of officers, staff and other non-police personnel. PSD’s aim is to maintain and improve public confidence and the quality of service whilst protecting and enhancing integrity across BCH. This is undertaken by: preventing and detecting unethical behaviour, dishonesty and corruption; conducting timely and robust public complaint investigations; identifying lessons learned through investigation; and educating, promoting and supporting good practice. The Vetting Unit and the Anti-Corruption Unit (ACU) are part of PSD.
- 5.4 In addition to the daily management of PSD, there is a PSD Governance Board which is chaired by the Deputy Chief Constable. The Commissioner is represented on this Board. The Governance Board aims to identify and address specific risks and threats across BCH, acting on the HMIC recommendations and AFIs and general PSD work. This includes ensuring clear actions are taken to mitigate and minimise these risks and threats, and where necessary, policies, procedures, practices and processes are developed and implemented. During the year this has included: approving policies; approving capacity within the Vetting Unit and the ACU; having assurance regarding the self-assessment for readiness of the Vetting Code; scrutiny of the ACU Delivery Plan; and performance monitoring of the quarterly complaint statistics.
- 5.5 The Constabulary’s Corporate Development Department ensures that the Constabulary has a comprehensive understanding of the findings of all the HMIC inspections, identifying any areas for improvement and recommendations, and instigating appropriate action to address these. The force holds a monthly Organisational Improvement Group, chaired by the Head of Corporate Development, at which all strategic leads are present and are asked to update on the action they have taken. Progress is documented in the recently acquired Action Monitoring Software. There is also further scrutiny at chief officer level.

## **6. HMIC LEGITIMACY INSPECTIONS**

- 6.1 HMIC independently assesses and routinely monitors the performance of police forces in order to ensure that:
- emerging problems with the efficiency, effectiveness and or legitimacy of individual forces are spotted quickly, and Chief Constables and Commissioners are aware of these problems and are taking corrective action; and

- if problems with efficiency or effectiveness of a force are enduring and there is a low prospect of them being resolved, those problems are raised formally with the Commissioner, so that they can respond.
- 6.2 PEEL is an annual assessment of police forces in England and Wales on their effectiveness, efficiency and legitimacy. They are judged as 'outstanding', 'good', 'requires improvement' or 'inadequate' on these categories (or pillars) based on inspection findings, analysis and Her Majesty's Inspectors' (HMIs) professional judgment across the year.
- 6.3 HMIC's 2014 'Police integrity and corruption' inspection looked at '*Does the force act with integrity and provide a service the public expects?*' and the 2016 Legitimacy inspection overall looked at '*How legitimate is the force at keeping people safe and reducing crime?*' for which the Constabulary was graded as 'good'. The 2017 inspection findings will be published in Autumn/Winter 2017.
- 6.4 HMIC's reports, are by their nature, comprehensive and contain a number of observations, findings and areas for improvement. The Constabulary's focus is towards the recommendations and AFIs identified in the reports but equally some of the observations and narrative are key to inform and improve the Constabulary's work. However, action against all of these are balanced and prioritised against threat, risk, harm, and demand and resources.

## **7. HMIC INSPECTION REPORTS 2016**

- 7.1 The 2016 inspection made positive observations including how the Constabulary works on identifying and enforcing standards of behaviour, and treating the people it serves with fairness and respect. However, HMIC had concerns about the force's ability to ensure that its entire workforce behaves ethically and fairly because of limited capacity in its Anti-Corruption Unit (ACU) and Vetting Unit. These concerns were based on the fact that the Constabulary's progress in respect of implementing the recommendations made in the earlier 'Police Integrity and Corruption' report in 2014 was slower than expected in respect of recommendations for improving the capacity and capability of these units.
- 7.2 All the recommendations stemming from HMIC reports have been incorporated in the Vetting Unit and ACU Delivery Plans which are held by the Head of PSD. Actions are reviewed on a monthly basis and progressed on a risk assessment approach. The Head of Department reports to the Constabulary's Deputy Chief Constable, with oversight provided by the PSD Governance Board.
- 7.3 The Commissioner accepted the findings of the HMIC Legitimacy 2016 report and was pleased the Constabulary have retained a "good" judgement whilst recognising there are still areas for improvement. Both the Commissioner and Chief Constable take seriously the sensitive issues highlighted by HMIC's Legitimacy inspections both locally and nationally. The importance of maintaining the highest standards of ethical behaviour to ensure public confidence and trust is clear within the Commissioner's Police and Crime Plan.
- 7.4 Neither the Commissioner nor the Chief Constable are complacent and acknowledge the issues raised around the tri-force PSD. As such, the Commissioner will continue to hold the Constabulary Constable to account to ensure the recommendations made in the HMIC inspection report continue to be implemented as soon as practicably possible but more importantly to ensure that the public have confidence and trust in the Constabulary.

## **8. PSD VETTING UNIT**

- 8.1 The fundamental purpose of PSD's Vetting Unit is to uphold the integrity of policing. It is a preventative and pro-active function. It aims to prevent corrupt, dishonest and unethical behaviour involving police officers and staff and non-police personnel within BCH by ensuring that only applicants are recruited, and vetting clearance renewed, where personnel meet the high standards of ethical behaviour expected.

- 8.2 The National Police Chiefs' Council's National Vetting Policy Guidance was initially published in 2005 and has had a few updates since then, the latest being in 2012. Nationally all Forces are awaiting the publication of the College of Policing's Vetting Code of Practice and Authorise Professional Practice, which is now likely to be released in summer 2017.
- 8.3 The BCH tri-force policy is based upon aspects of the national policy but with a pragmatic, proportionate and risk accepting basis. All officers and staff have been vetted at some stage to the BCH or individual police policy at the time they were employed.
- 8.4 The Vetting Unit's new strategy seeks to ensure compliance with the National Vetting Guidance and to develop an ethical culture across BCH by recruiting applicants who are more likely to have the high standards of ethical behaviour and to reject those who may have demonstrated questionable standards of behaviour in the past. The strategy seeks to ensure aftercare/re-  
vetting is carried out as per the National Vetting Guidance to ensure high standards of ethical behaviour are maintained across the entire BCH workforce.
- 8.5 In readiness for the Vetting Code of Practice the department has undergone a peer review and developed a delivery plan to ensure compliance with the Code and to meet HMIC recommendations.
- 8.6 During the last 12 months, the Vetting Unit has dealt with over 5,000 applications across BCH; over 1,000 of these were for Cambridgeshire. Vetting covers Regulars, Specials, PCSO, staff and all other non-police personnel who work for, or with the Constabulary, such as Police Volunteers, Police Cadets, Police Cadet Leaders, staff from the Office of the Police and Crime Commissioner, Police Accredited Persons (e.g Hospital/University Security), various multiagency staff, various partnerships (e.g Probation Service, Independent Custody Visitors, Social Care) and those who provide a building/estate maintenance service.

## **9. BACKGROUND DOCUMENTS**

'Police Integrity and Corruption – An inspection of Cambridgeshire Constabulary', HMIC, November 2014

<http://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/cambridgeshire-crime-and-integrity.pdf>

'PEEL: Police legitimacy 2016 – An inspection of Cambridgeshire Constabulary', HMIC, December 2016

<http://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/peel-police-legitimacy-2016-cambridgeshire.pdf>